

United States Senate

WASHINGTON, DC 20510

0569

May 1, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

We understand that the Commission has before it a small number of rulemaking petitions seeking to change television stations' allocations from digital VHF to UHF channels. To inform review of these petitions, we would like to draw your attention to a provision in the recently adopted spectrum provisions of the Middle Class Tax Relief and Job Creation Act of 2012 and the legislative history that preceded its adoption.

Section 6403(g)(1)(B) of the Act prohibits the Federal Communications Commission, beginning on the date of enactment and proceeding until a reverse spectrum auction is completed or certain findings related to auction revenue are made, from reassigning a broadcast television license from a VHF channel to a UHF channel unless (i) such reassignment would not decrease the amount of UHF spectrum available for reallocation through auction or (ii) a request for such reassignment was pending before the FCC on May 31, 2011. On that date, the FCC had issued a public notice "freezing" the filing of VHF-to-UHF reallocation petitions.

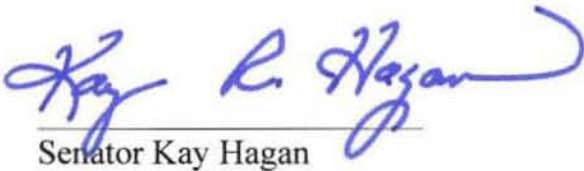
Earlier versions of the statute had not included this exception for requests pending as of the imposition of the "freeze." Prior to adoption of the final Act, the bipartisan conferees included the exception for requests pending as of the "freeze" date. This change was inserted to allow those broadcasters who had invested the time and resources necessary to file reallocation petitions to have their petitions considered in accordance with existing Commission standards and processes.

Since adoption of the legislation, we understand that there may be some reluctance on the part of your staff to process the remaining reallocation petitions filed before the "freeze."

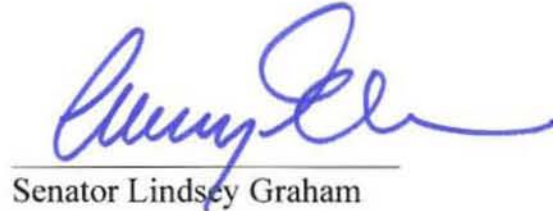
We believe that such a position is counter both to the specific legislative intent behind inclusion of the "freeze" exception and to principles of fairness that entitle parties, who have proceeded in accordance with FCC rules and deadlines, not to have their rights truncated unexpectedly.

Thank you for your attention to this matter.

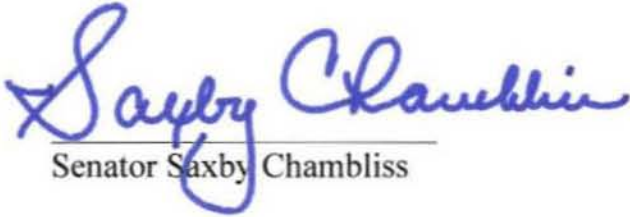
Very truly yours,

A handwritten signature in blue ink, reading "Kay R. Hagan", with a stylized flourish at the end.

Senator Kay Hagan

A handwritten signature in blue ink, reading "Lindsey Graham", with a stylized flourish at the end.

Senator Lindsey Graham

A handwritten signature in blue ink, reading "Saxby Chambliss", with a stylized flourish at the end.

Senator Saxby Chambliss



FEDERAL COMMUNICATIONS COMMISSION

June 12, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Kay R. Hagan
United States Senate
521 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Hagan:

Thank you for your letter regarding pending rulemaking petitions from TV stations seeking to change their channel allocations from digital VHF to UHF. Your views are very important and will be included in the record of the proceedings and considered as part of the Commission's review.

Congress placed a high priority on successful implementation of the incentive auctions authorized by Title VI of the Middle Class Tax Relief and Job Creation Act of 2012. Commission staff is hard at work planning for prospective repacking to maximize the value of spectrum freed up for flexible use. The flexibility that Congress accorded the Commission in addressing pending reallocation petitions is critical to the comprehensive assessment that must be accomplished as part of incentive auction planning. I want to assure you that the Commission will consider the pending petitions carefully as it continues its work to implement the incentive auction provisions of Title VI.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over the typed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

June 12, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Saxby Chambliss
United States Senate
416 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Chambliss:

Thank you for your letter regarding pending rulemaking petitions from TV stations seeking to change their channel allocations from digital VHF to UHF. Your views are very important and will be included in the record of the proceedings and considered as part of the Commission's review.

Congress placed a high priority on successful implementation of the incentive auctions authorized by Title VI of the Middle Class Tax Relief and Job Creation Act of 2012. Commission staff is hard at work planning for prospective repacking to maximize the value of spectrum freed up for flexible use. The flexibility that Congress accorded the Commission in addressing pending reallocation petitions is critical to the comprehensive assessment that must be accomplished as part of incentive auction planning. I want to assure you that the Commission will consider the pending petitions carefully as it continues its work to implement the incentive auction provisions of Title VI.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over the typed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

June 12, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Graham:

Thank you for your letter regarding pending rulemaking petitions from TV stations seeking to change their channel allocations from digital VHF to UHF. Your views are very important and will be included in the record of the proceedings and considered as part of the Commission's review.

Congress placed a high priority on successful implementation of the incentive auctions authorized by Title VI of the Middle Class Tax Relief and Job Creation Act of 2012. Commission staff is hard at work planning for prospective repacking to maximize the value of spectrum freed up for flexible use. The flexibility that Congress accorded the Commission in addressing pending reallocation petitions is critical to the comprehensive assessment that must be accomplished as part of incentive auction planning. I want to assure you that the Commission will consider the pending petitions carefully as it continues its work to implement the incentive auction provisions of Title VI.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping "J" and a long horizontal stroke.

Julius Genachowski